



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 21.02.2019

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WEB COPY

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P(MD)No.10106 of 2018

G.Sam Robust

... Petitioner

Vs.

1. The Director of Local Fund Audit,
Combined Financial Department Complex,
4th Floor, Nandanam,
Chennai 35.

2. The Secretary to Government of Tamil Nadu,
Finance Department (Expenditure),
St. George Fort,
Chennai -9.

3. Thiru.Nellaiappan,
Inspector of Local Fund Audit,
Corporation concurrent Audit,
Tuticorin Corporation,
Tuticorin.

4. Thiru.Nagarajan,
Deputy Director of Local Fund Audit (Rtd.),
Corporation concurrent Audit,
Tuticorin Corporation,
Tuticorin.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the first respondent to conduct enquiry on the representation preferred by the petitioner on 05.01.2017, 23.03.2017 and 16.05.2017 in connection with stay of the respondents 3 and 4 at office without permission after office hours.

For Petitioner

: Mr.B.Jeyakumar

For Respondents

: Mrs.J.Padmavathy Devi

Special Government Pleader

**ORDER**

The writ petition has been filed for issuance of a Writ of Mandamus directing the first respondent to conduct enquiry on the representation made by the petitioner on 05.01.2017, 23.03.2017 and 16.05.2017 respectively, in connection with the stay of the respondents 3 and 4 at Corporation Office without permission after office hours.

2. Heard the learned counsel for the petitioner, the learned Special Government Pleader appearing for the respondents and perused the materials placed before this Court.

3. The case of the petitioner is that he succeeded in the examination of Group-II Vacancy and appointed as Assistant Inspector of Local Fund Audit. He had undergone training at Madurai and was posted as Assistant Inspector of Local Fund Audit at Tuticorin. The respondents 3 and 4 used to stay at the Corporation office after the working hours and the higher officials did not give any permission to them. As the respondents 3 and 4 stayed at the Corporation office after working hours, the important documents were found missing. Hence, the petitioner gave a complaint to the Regional Joint Director of Local Fund Audit, Tirunelveli for taking action against the respondents 3 and 4. But, no action has been taken against them. However, the petitioner was transferred to Tamil Nadu Housing Board Audit, Chennai from Tuticorin, on 10.03.2017 and he joined duty at Chennai without any proper relieving order. Questioning the order of transfer, he filed a petition in W.P.(MD).No.4293 of 2017 before this Court and the same is pending. Since he was not properly relieved from Tuticorin to Chennai, the fourth respondent issued a memo on 30.03.2017, with false charge. Therefore, he again preferred representations on 16.05.2017 and 26.07.2017 to the respondents 1 and 2 to conduct enquiry on the complaint given by the petitioner against the respondents 3 and 4. Since no action was taken by the respondents 1 and 2, the petitioner has come forward to file this writ petition for the relief stated supra.

4. The learned Special Government Pleader has filed a counter, wherein at Paragraph - 8, it is stated as follows:

"8. With regard to the averments made in paragraphs 5, 6 and 7 of the affidavit, it is humbly submitted that his allegations will be enquired by the enquiry officer. After receiving the enquiry report by the respondent 1, appropriate action will be taken based on the enquiry report. A copy of the enquiry report will also be given to the petitioner. Hence, nothing survives in this writ petition, since as per his prayer enquiry has already been ordered."

5. In such view of the matter, this Court, directs the first respondent to complete the enquiry within a period of six months



from the date of receipt of a copy of this order, after giving an opportunity of hearing to the petitioner as well as all the interested parties, if not completed earlier.

6. With the above direction, the Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CS II)

// True Copy //

Sub Assistant Registrar

akv

To

1. The Director of Local Fund Audit,
Combined Financial Department Complex,
4th Floor, Nandanam,
Chennai 35.

2. The Secretary to Government of Tamil Nadu,
Finance Department (Expenditure),
St. George Fort,
Chennai -9.

1 CC to M/s.B.JEYAKUMAR, Advocate (SR-48800[F] dated 21/02/2019)

+1 CC to M/s.SPL GP (SR-49226[F] dated 22/02/2019)

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